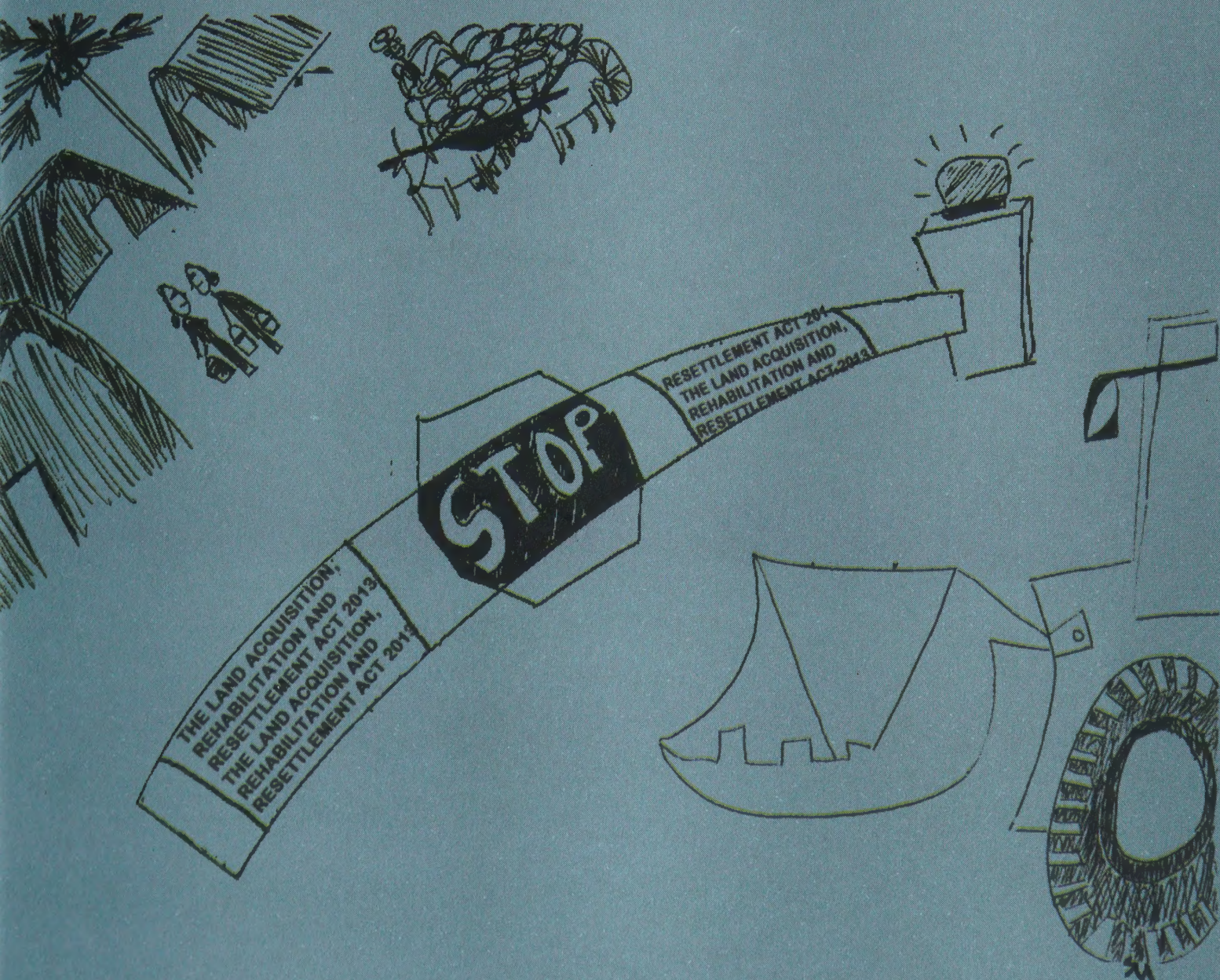


LAND ACQUISITION REHABILITATION AND RESETTLEMENT ACT

A Primer



EDUCATE, AGITATE, ORGANISE

RIGHT TO FOOD CAMPAIGN, 2016

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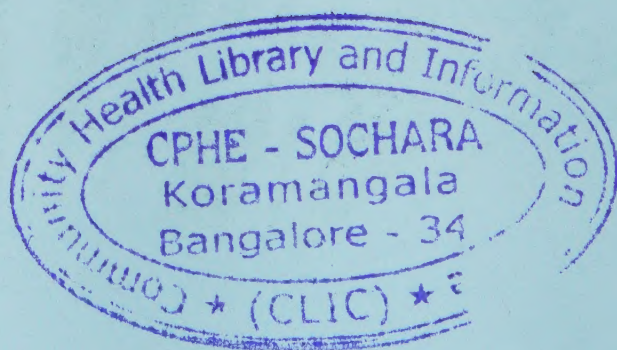
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The Land Acquisition, Rehabilitation and Resettlement Act 2013

A Primer

September 2016





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Foreword

This booklet is part of a series of Primers prepared for the 6th National Convention on the Right to Food and Work (Ranchi, 23-25 September 2016). The purpose of these Primers is to help you to know your rights and how to defend them.

The Primers focus on different economic and social rights, including the right to information, the right to food, the right to work, forest rights, children's rights, the right to education, and more. They are written in simple language, for a wide audience.

The Primers are action-oriented: it is hoped that they will be used in collective struggles for social and economic rights. For further information as well as ideas for action, please take a look at the website of the Right to Food Campaign (righttofoodcampaign.in). To order copies of these primers, please contact the secretariat of the campaign.

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1. Introduction

The opening up of the Indian economy along with a push for rapid growth by the state has increased pressure on the land resource. Land, though needed for development and growth, is deeply linked with the livelihoods, dignity and survival of the rural masses. Access to land also enables them to assert their identity and citizenship. But the stark reality is that in the name of “development” huge transfers of agricultural and forest land for industrial, mining and infrastructure purposes have taken place across the country. Due to lack of a clear definition of “public purpose” in the Land Acquisition Act 1894, and an inherent element of arbitrariness in the entire process of land acquisition, that Act was used for large scale acquisition of land resulting in displacement and destruction of livelihoods of the affected communities.

According to the Ministry of Tribal Affairs (MTA), nearly 85 lakh tribals only were displaced until 1990 on account of mega development projects like dams, mining, industries and conservation of forests. Displacement of tribals continued from 1990 onwards without proper compensation and rehabilitation. The Land Acquisition Act 1894 did not have any provision for rehabilitation and resettlement of the displaced families except for compensation for land which too was inadequate and arbitrary. Further, the Act did not have any provisions for compensation and rehabilitation for the project affected landless people, who often used to depend on the displaced

landowners and common property resource for their livelihood. Also, “public purpose” in the Act of 1894 was vaguely defined, often leading to arbitrary acquisition of land in the name of public purpose. The time limit for utilisation of acquired land was also not defined, as a result of which many projects still have huge chunk of unutilised land.

Large-scale displacement of communities due to land acquisition has led to mass struggles and resistance - both at the local and national level. Project-affected families and communities likely to be affected have put up stiff resistance, demanding fair compensation and no displacement without proper compensation.

Realising the need for a rehabilitation and resettlement policy, the Central Government in the mid-1980s initiated the process of drafting a policy that made rehabilitation integral and binding for every project requiring land acquisition. People's movements also contributed to this process by forcing the government to bring the draft policies of 1993 and 1995 in the public domain for further discussion.

Later, in 2011, the Land Acquisition, Rehabilitation and Resettlement Bill was introduced in the Lok Sabha. The Bill proposed a unified legislation for land acquisition and institutional arrangements for proper rehabilitation and resettlement. However, it faced strong objections from certain states. Finally, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and

Resettlement Act was passed in 2013 after a lot of discussion, negotiations and compromises. This Act is a much better legislation than the old Land Acquisition Act 1894. However, a lot needs to be done to ensure effective implementation of this complex and demanding Act. This is all the more important in the light of the present government's repeated attempts to dilute various provisions of the Act and facilitate land acquisition. A joint Parliamentary Committee is currently examining proposed amendments of the Act.

2. The New Act and the Old Act

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARR Act) was passed by the Indian Parliament on 5 September 2013 and came into force on 1 January 2014. The Act replaces the colonial National Land Acquisition Act 1894, which gave both the Government of India (GoI) and the State Governments sweeping powers to acquire private land in the name of “public purpose” and also failed to provide for fair compensation. The RFCTLARR Act, for the first time, integrated land acquisition with Rehabilitation and Resettlement (R&R) and Social Impact Assessment (SIA), to ensure that land acquisition goes hand in hand with fair R&R of displaced families.

The main contrasts between the Land Acquisition Act 1894 and the RFCTLARR Act 2013 are as follows:

Issue	Land Acquisition Act 1894	RFCTLARR Act 2013
Public purpose	The term “public purpose” was left vague, giving sweeping powers to government to decide what “public purpose” is.	The term is more clearly defined, and is restricted to specific purposes (see below). However, the term is still quite broad.
Consent	No consent from affected families was needed. It was for the government to decide. At most, people were consulted.	Consent of 70% land owners is required for Public-Private Partnership (PPP) projects. Consent of 80% land owners is required for private projects.
Land acquisition	Even though notifications were given, there was no SIA. So the consequences of land acquisition could not even be assessed.	Social Impact Assessment is mandatory. Land acquisition also requires proper notifications at each level, taking people’s opinion, R&R surveys, and compensation for Project Affected Families (PAFs).
Resettlement and Rehabilitation	There were provisions for giving compensation but the amounts were much below market rates.	There are clear provisions for the resettlement and rehabilitation of PAFs, including housing, cash and jobs. The resettlement area will have all facilities also.

Where is this new Act applicable?

The Act is applicable in every state of India except in Jammu & Kashmir and Nagaland.

3. Key Features of the RFCTLARR, Act 2013

1. Social Impact Assessment: SIA is mandatory for all projects except irrigation projects. The SIA should assess social and environmental impacts of the project, the means and cost of addressing them, and their impact on the project's overall costs and benefits as well as on the R&R plan.

The SIA Report should examine all options, and their social and environmental costs, with a view to minimize displacement. The report is to be evaluated by an independent multi-disciplinary Expert Group (see below), to ensure that the proposal for land acquisition meets certain specified conditions.

2. Redefining Public Purpose: The Act defines “public purpose” as follows:

- (a) strategic purposes relating to naval, military, air force, and armed forces, or any work vital to the national security or defence of India or State Police;
- (b) infrastructural projects including government warehouses, industrial corridors, water conservation structures, government or government-aided educational institutions, and other infrastructural facilities that may be notified by the government;
- (c) the provision of land for Project Affected Families;

- (d) the provision of land for housing projects of different income groups;
- (e) the provision of land for planned development; and
- (f) the provision of land for residential purposes to the poor or landless, or to persons residing in areas affected by natural calamities, or to persons displaced or affected by any government scheme.

3. Broader Definition of Project Affected Families: The Act widens the definition of the term “affected” to include both land losers and livelihood losers. The time period of dependence on the acquired land is three years prior to the acquisition.

4. Rehabilitation and Resettlement: The key features of the Rehabilitation and Resettlement (R&R) package are:

- PAFs are entitled to mandatory R&R package in case of every acquisition and in case of private purchase of over 100 acres in rural areas and 50 acres in urban areas.
- R&R plan is to be discussed in the Gram Sabha for rural areas and equivalent bodies in case of urban areas.
- Land for a house as per Indira Awas Yojana norms in rural areas, or a constructed house of at least 50 square metres plinth area in urban areas.

- Where jobs are created through the project, PAFs would be given the option of annuity or employment.
- To support relocation, each PAF will get a subsistence allowance and a transport allowance, which will be higher for the SC/STs.
- One-time resettlement allowance of Rs 50,000 for each affected family.
- One-time grant to artisans, small traders and self-employed persons. This is also due to an affected family if it owns a non-agricultural, commercial, industrial or institutional structure in the affected area.
- Fishing rights in the reservoirs created by the project, if any, for affected families.
- All affected families are entitled to training and skill development while being offered employment.
- Each resettlement area will have a number of facilities including internal roads, an all-weather link road, transport services, drainage and sanitation facilities, safe drinking water, electricity connections, schools as per norms of the Right to Education Act, primary health centre, and various other facilities.
- Institutional mechanism for R&R, including the following institutions: Administrator for Rehabilitation and

Resettlement; Commissioner for Rehabilitation and Resettlement; Rehabilitation and Resettlement Committee at project level; Land Acquisition, Rehabilitation & Resettlement Authority at State level; and National Monitoring Committee at Central level.

5. Cash Compensation: The Act provides for cash compensation of four times the market price of land in rural areas and twice the market price in urban areas. This includes a solatium of 100 percent of the compensation. Apart from this, value of assets attached to the land would also be part of the compensation package.

6. Retrospective Operation: The Act applies retrospectively to cases where no land acquisition award had been made. Also, in cases where the land was acquired five years ago but no compensation or possession has taken place, the land acquisition process has to start afresh in accordance with the provisions of this Act.

7. Food Security: The Act includes the following provisions for food security.

- Multi-crop irrigated land is not be acquired except as a demonstrably last-resort measure. Even then, the land acquired should in no case be more than 5 percent of the multi-crop irrigated area in a district.

- States are also required to impose strict limits on the area of agricultural/multi-crop land that can be acquired in a State.
- When acquiring agricultural land, the State has to cultivate an equivalent area of land elsewhere as agricultural land.

8. Strict Timelines: The Act prescribes strict timelines within which land acquisition as well as the R&R process have to be completed. This includes a limit of six months for the SIA process and 35 months for the entire land acquisition process. Full payment of compensation is to be made within three months. Infrastructural entitlements in the R&R Package (Second and Third Schedules) should be provided within 18 months of the award. In irrigation or hydro-power projects, R&R is to be completed six months before submergence.

9. Consent: For land proposed to be acquired for public purpose as part of a PPP project, the prior consent of 70 percent of affected land owners has to be sought. In case of private company, the norm is 80 percent. Further details of consent requirement are given below.

Project Type + Area	Prior consent of affected families required?	Consent of Gram Sabha / Panchayat/ Autonomous District Council required?
Public + Non-Scheduled Area	No	No
Public + Scheduled Area	No	Yes
PPP + Non-Scheduled Area	Yes, of at least 70%	No
PPP + Scheduled Area	Yes, of at least 70%	Yes
Private + Non-Scheduled Area	Yes, of at least 80%	No
Private + Scheduled Area	Yes, of at least 80%	Yes
Urgency + Scheduled Area	No	Yes
Urgency +Non Scheduled Area	No	No

10. Safeguards Against Abuse: The possibility of abuse of the “urgency clause” has been reduced by limiting its applicability to land required "for the defense of India or national security or for any emergencies arising out of natural calamities."

11. Return of Unutilized Land: In case land remains unutilized after acquisition for a period of five years, the Act empowers states to return it to the owner or to the State Land Bank.

12. Share in Appreciated Land Value: When the land is sold to a third party for a higher price, 20% of the appreciated land value should be shared with the original land owners.

13. Role of Self-governance Institutions: The Act recognizes the role of self-governance institutions and Gram Sabhas. It provides for consultation with them at the time of preparing the SIA and at the time of issuing the preliminary notification for acquisition.

14. Special Provisions for Scheduled Castes and Scheduled Tribes: The Act seeks to protect the interests of SCs and STs. Special provisions for SC/ST families include the following:

- Acquisition of land in Scheduled Areas is to be a demonstrable last resort.
- Prior consent of the concerned Gram Sabhas (or the Panchayats or the autonomous District Councils at the appropriate level in Scheduled Areas under the Fifth Schedule to the Constitution, as the case may be) should be obtained in all cases of land acquisition in Scheduled Areas, including urgency cases.
- A Development Plan is to be prepared laying down the details of procedure for settling land rights.
- One-third of the compensation is to be paid as part of the first instalment.
- Resettlement in the same scheduled area.

- Free-of-cost land for community and social gatherings.
- Alienation of tribal lands to be void.
- Additional benefits if resettled outside scheduled areas.
- Higher land-for-land area for SCs/STs.
- Additional amount of Rs 50,000 for SC/ST displaced from Scheduled Areas.

4. Key Stakeholders

Who is considered a project-affected family?

Project-affected families (PAFs) include the following:

- A family whose land or other immovable property has been acquired;
- A landless family where any members are agricultural labourers, tenants, share-croppers or artisans (or have been working in the affected area for three years), whose primary source of livelihood stand affected by the acquisition of land;
- Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognised under the Forest Rights Act 2006 due to acquisition of land;
- A family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies (including gatherers of forest

produce, hunters, fisher folk and boatmen), and such livelihood is affected due to acquisition of land.

- A family where some member(s) have been assigned land by the Government under any of its schemes, and such land is under acquisition;
- A family residing on any land in urban areas for three years or more prior to its acquisition, or whose primary source of livelihood for the preceding three years is affected by land acquisition.

Who has the power to take land?

The power to take land is with various governments like Central Government, state government and the District Collector. The relevant authority depends on the land boundaries. For land area from two or more states, it is the Central Government. If the land is within the state, it is the state government. The collector will be the authority when the land area lies within a district and does not exceed a maximum to be notified. The act uses the term “appropriate government” in each case.

For what purpose can the government take land?

- (1) For public sector undertakings and public purpose (as defined earlier).
- (2) For PPPs where the ownership of the land vests with the Government
- (3) For private companies for public purposes.

5. Social Impact Assessment

What exactly is a Social Impact Assessment?

Social Impact Assessment (SIA) is a study carried out before land acquisition to assess the impact of land acquisition on the project affected families, and also on other crucial aspects such as: public and community properties; assets and infrastructure; public transport, drainage, sanitation, sources of drinking water; community ponds and grazing land; public utilities such as post offices, fair price shops, electricity supply, health centres, schools, anganwadis, parks, cremation grounds and land for traditional tribal institutions (this is a partial list, from a longer list included in the Act).

What is the process?

The appropriate government is to issue a notification about the SIA and give it wide publicity through all means prescribed in the Act, e.g. translation in local language, display in government offices, posters and pamphlets. The notification shall also be uploaded on the website of the appropriate government.

The appropriate government is to ensure the completion of the SIA within six months of the commencement date. The SIA report is to be made available in local language to the concerned Panchayat, Municipality or Municipal Corporation,

and the offices of the District Collector and Sub- Divisional Magistrate in the affected areas. The report should also be uploaded on the website of the appropriate Government.

The appropriate Government should also ensure that a public hearing is held in the affected area to ascertain the views of affected families, record them, and include them in the SIA report. The date, time and venue of the public hearing must be given adequate publicity.

How are public hearings on the SIA report to be conducted?

The process of public hearing must meet the following norms, among others.

- (1) Public hearings should be conducted in all Gram Sabhas where members are directly or indirectly affected by the acquisition of the land.
- (2) The date and venue of the public hearing must be publicised three weeks in advance through notifications and posters in all the villages within a radius of five kilometres as well as through newspapers and radio announcements, direct communication with Gram Panchayat representatives, and uploading the information on the website of the appropriate Government.

- (3) (i) The draft SIA report should be published in the local language three weeks prior to the public hearing and distributed to all affected Gram Panchayats and Municipal offices.
- (ii) Adequate copies of the report and summaries should be made available on the day of the public hearing. Accessible displays and other visuals should be used to share the findings of the SIA report.
- (4) (i) A member of the SIA team should facilitate the public hearing, to be organised through the local administration with the concerned government officers.
- (ii) Gram Panchayat or Municipal Ward representatives should also be included in all decisions about arrangements for the public hearings in their respective areas.
- (5) All the proceedings should be held in the local language with effective translators, to ensure that all the participants can understand and express their views.
- (6) Representatives from the Requiring Body and designated land acquisition and R&R functionaries should attend and address the questions and concerns raised by the affected parties.
- (7) Public representatives, local voluntary organisations and media should also be invited to attend the public hearings.

- (8) The proceedings should be video recorded and transcribed. This recording and transcription should be submitted with the final SIA report.
- (9) After the public hearings, the SIA team should analyse the entire feedback received and incorporate the same, along with their analysis, in the revised SIA report.
- (10) Every objection raised in the public hearing should be recorded and the SIA team should ensure that every objection is considered in the SIA report.

The Social Impact Management Plan (discussed below) should also be subject to public hearings, based on the same principles.

What is the SIA report supposed to contain?

The SIA report should include the following:

- (a) Assessment as to whether the proposed acquisition serves public purpose;
- (b) Estimation of affected families and number among them likely to be displaced;
- (c) Extent of lands (public and private), houses, settlements and other common properties likely to be affected by the proposed acquisition;

- (d) Whether the amount of land proposed for acquisition is the absolute bare minimum needed for the project;
- (e) Whether land acquisition elsewhere has been considered and found not feasible;
- (f) Study of social impacts of the project, the means and cost of addressing them, and the impact of these costs on the overall costs of the project *vis-a-vis* the benefits.

The Environmental Impact Assessment study, if any, is to be carried out simultaneously and is not be contingent upon the completion of the Social Impact Assessment.

What is the Social Impact Management Plan?

The SIA process includes the preparation of a Social Impact Management Plan (SIMP), which presents the measures to be taken to address the social impacts identified in the assessment. The SIA team must assess the viability of these measures with clear indication of costs, timelines and capacities.

Who will do the Social Impact Assessment?

The Social Impact Assessment team is to be formed by appointing individuals or an organisation with experience in conducting SIAs or related assessments. The team may include (a) independent practitioners, qualified social activists, academics and technical experts not directly connected with

the requiring body; and (b) at least one woman. While selecting the SIA team, it is to be ensured that no member has any conflict of interest.

Is there any provision for independent evaluation of the SIA report?

Yes. The appropriate Government is to constitute an independent, multi-disciplinary Expert Group to evaluate the SIA report. The Group should include: (a) two non-official social scientists; (b) two representatives of the concerned Panchayat, Gram Sabha, Municipality or Municipal Corporation; (c) two experts on rehabilitation; and (d) a technical expert in the subject relating to the project.

If the Expert Group is of the opinion that the project does not serve any public purpose, or that the social costs and adverse impacts of the project outweigh the potential benefits, it shall recommend within two months that the project shall be abandoned forthwith. If the appropriate Government, despite such recommendations, proceeds with the land acquisition, then it shall record the reasons for doing so in writing.

If land acquisition is deemed justified by the Expert Group, it should still assess whether the extent of land proposed to be acquired is the absolute bare-minimum needed for the project, and whether any other less displacing options available.

The recommendations of the Expert Group should be made available in the local language to the concerned Panchayat, Municipality or Municipal Corporation, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil. It should be publicised in the affected areas and uploaded on the website of the appropriate Government.

The appropriate Government should ensure that (a) there is a legitimate and bonafide public purpose for the proposed land acquisition; (b) the potential benefits outweigh the social costs and adverse social impact as determined by the SIA report; (c) only the minimum area of land required for the project is proposed to be acquired; and (d) there is no unutilised land which has been previously acquired in the area. It should also examine the report of the Collector, if any, and the report of the Expert Group on the SIA. After considering all the reports, the appropriate Government should recommend such area for acquisition which would ensure minimum displacement of people, minimum disturbance to the infrastructure, ecology and minimum adverse impact on the individuals affected.

In addition to these reports from Collector and the Expert Group on the SIA report, the appropriate Government should also ascertain that prior consent of the affected families has been obtained as outlined in the Act.

The decision of the appropriate Government should be made available in the local language and widely publicised, in the same manner as the recommendations of the Expert Group.

Are there any projects exempted from Social Impact Assessment?

Yes, there are two exemptions:

- (a) When the urgency provisions under Section 40 are being invoked to acquire land.
- (b) Irrigation projects.

6. The Rehabilitation and Resettlement (R&R) Plan and Award

What is R&R Plan and how is it developed?

The R&R Plan is a set of interventions to help the project-affected families secure a reasonable standard of living and minimize the trauma of displacement.

Once a notification has been published under Section 11 by the Collector, the Administrator for Rehabilitation and Resettlement is to initiate the process of developing R&R Plan by conducting a survey of the affected families. The survey would include (a) particulars of lands and immovable properties

being acquired, (b) livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired, (c) a list of public utilities and buildings which are likely to be affected, where resettlement of PAFs is involved, (d) details of the amenities and facilities which are likely to be affected, where resettlement of PAFs is involved; and (e) details of any common property resources being acquired.

Based on this survey, the Administrator is to prepare a draft R&R Plan that includes details of the R&R entitlements of all project-affected families. Where resettlement of PAFs is involved, the Administrator should also prepare details of the government buildings, public amenities and infrastructural facilities to be provided in the Resettlement Area.

The draft R&R Plan shall be publicised locally and discussed in the concerned Gram Sabhas or Municipalities. A public hearing shall also be conducted, after adequate publicity about the date, time and venue. (In case where an affected area involves more than one Gram Panchayat or Municipality, public hearings shall be conducted in every Gram Sabha and Municipality where more than 25 percent of land belonging to that Gram Sabha or Municipality is being acquired. Consultation with the Gram Sabha in Scheduled Areas shall be in accordance with the provisions of the PESA Act, 1996.)

The Collector shall then review the draft R&R Plan, along with a report on claims and objections raised in the public hearing. The Collector will then submit the draft R&R Plan with his or her suggestions to the Commissioner, R& R, for necessary approval.

What about the R&R Award?

The Collector will give an R&R Award within 12 months of the declaration by the government. If it is not given, the project will lapse (however, the government can extend this time limit).

The R&R Award should include the following details:

- (a) R&R amount to be given to each family.
- (b) Bank account number of the people to whom money is to be given.
- (c) Details of the house, land, and amount given for transportation and basic needs (for one year).
- (d) Particulars of one-time payments to artisans and small traders.
- (e) Particulars of payment for cattle shed and small shop.
- (f) Fishing rights in the reservoirs for affected communities in case of irrigation or hydel projects and special provisions for the Scheduled Castes.

7. Grievance Redressal

Who can the people approach if there is any complaint or dispute?

The Land acquisition, Rehabilitation and Resettlement Authority (LARR Authority) is the body responsible for solving all the disputes related to land acquisition, compensation, rehabilitation and resettlement, etc. The hearing of the LARR Authority will be at the district where land is being acquired. The Authority is to consist of one person only - a district judge, a retired district judge, or an Advocate with at least 7 years of experience.

Such are some of the main provisions of the RFCTLARR Act. There is more to it – this is a complex Act (46 pages!), which deals with a complex issue. The RFCTLARR Act is certainly an improvement over the old Land Acquisition Act, which gave sweeping powers to the state to displace people without fair compensation let alone giving them a say. However, RFCTLARR Act itself is far from perfect, and some aspects of it are likely to be difficult to implement. How far it will succeed in protecting people's right to minimum displacement and fair compensation, time will tell.

8. What We Can Do

1. Wide awareness of the Act needs to be created among concerned families and communities (affected or likely to be affected by land acquisition).
2. Role and power of Gram Sabhas need to be understood by the Gram Sabhas, so that they exercise their powers in favour of the village in the event of land acquisition.
3. The Consent clause is an important provision which needs to be understood by concerned families, so that they remain organised and do not compromise based on lusty and fake offers from vested interests.
4. SIA is a very important exercise which needs to be properly understood by affected and carried out with their active participation. Effective mobilisation of the concerned communities is important so that their strength does not get fragmented and misused against them during SIA. Suggesting land acquisition at an alternative site and insisting on “absolute bare minimum” acquisition would be an important role of the community while interacting with the SIA team.
5. Mobilisation of the concerned communities for public hearings on SIA, Social Impact Management Plan and Rehabilitation & Resettlement Scheme is another area we must engage with to empower the community.
6. Wide awareness of the special safeguard provisions for scheduled tribes and scheduled castes is also needed.

7. Rehabilitation and Resettlement needs close monitoring once the land is acquired and a Rehabilitation and Resettlement Award is passed by the government.
8. Mobilisation and public action for return of the land to the original land owner is essential in case the land remains utilised beyond the period allowed in the Act.

9. Further Reading

1. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
2. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Social Impact Assessment and Consent) Rules, 2014
3. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Compensation, Rehabilitation and Resettlement, Development Plan) Rules, 2015

Annexure 1: Ordinances and Proposed Amendments

The Union Government in 2015 had promulgated an ordinance on land acquisition twice (from December 2014), with the justification that certain provisions of the RFCTLARR Act 2013 made land acquisition very difficult.¹ Also, it had argued that though the Act is in favour of farmers, it should also favour industry for the sake of development. When it faced stiff opposition from various parties, farmers' organisations and land rights movements, the government referred the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Second Amendment Bill) 2015 to a Joint Parliamentary Committee. The Committee was first chaired by Shri S.S. Ahluwalia and later by Mr. Ganesh Singh. It consists of 19 members from the Lok Sabha and 10 members from the Rajya Sabha. It was set up in May 2015 to seek suggestions from various stakeholders, including state governments, on the Act.

The RFCTLARR (Second Amendment Bill) 2015 proposes to exempt five categories of projects from the requirements of Social Impact Assessment. These are: (i) defence, (ii) rural infrastructure, (iii) affordable housing, (iv) industrial corridors, and (v) infrastructure including Public Private Partnership

¹ Earlier, in December 2014, the Union Government had issued an order to invoke 13 central Acts (like National Highway and Railways acts) to extend benefits to those whose land is being acquired.

Projects (PPPs) where government owns the land. The Bill also enables the Government to exempt these five categories of projects from the restriction on acquisition of multi-cropped land, and from the consent requirement applicable to Public Private Partnership Projects and private projects.

The Amendment Bill 2015 also removes the provision for punishment of the Head of Department in the event where an offence is committed by the department. Further, it includes a new provision according to which prior sanction of the government would be required in order to prosecute any government employee who commits an offence under the Act. Both these changes would make it much harder to hold government employees accountable for offences committed under the Act. These proposed amendments have been strongly opposed by social movements, farmers' organisations and opposition parties.

Status so far: The Committee is yet to receive responses from a number of States. It has to submit its report to both the houses of Parliament based on the consultations organised, memoranda received and responses received from various State governments.

Extension: Several extensions have been granted to the Committee after it failed to evolve a consensus on various provisions. The seventh extension was given on 22 July 2016. Meanwhile, some State governments have begun enacting their own land acquisition laws.

Annexure 2: Flow Chart of NLARR

Notification given to the Panchayat, municipality or Municipal Corporation.



Preliminary investigation for finding the social impact (SIA) and the public purpose. *(Government should complete SIA within six months.)*



Expert group will analyse the Social Impact Assessment report (whether it is needed or not). *(If it is not needed, the committee will declare it within two months of its constitution.)*



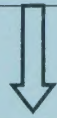
Based on the SIA report the government will take the decision whether to continue the project or not.



Along with declaration of land acquisition, the details of the land to be acquired in rural and urban areas will be published.



Administrator for Rehabilitation and Resettlement shall conduct a survey and make a draft/plan for R&R.



Review of draft scheme by collector Approval by commissioner of R&R Publication of draft scheme.

Government will publish the notice on land acquisition along with the details about Rehabilitation and Resettlement.



Collector will give public notice telling the government plan to take lands and if the people can give their claims for compensations to him



Award of Compensation. *(Award should be given within 12 months of first government declaration, otherwise LA will lapse.)*



Resettlement & Rehabilitation Award

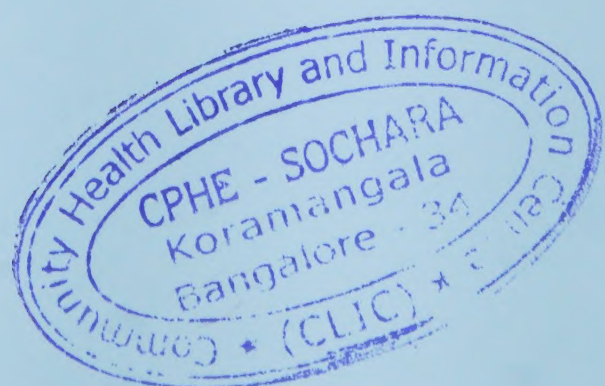


Collector shall take the land after the compensations and the monetary part of R&R entitlements are given. (Compensation within three months and the monetary part of R&R entitlements within six months of the Award made.

If you found this primer useful, please share it with others and help to disseminate it widely. There are many ways of doing this, such as:

- Organising a group discussion on this primer in your village or mohalla.
- Using sections of this primer to make posters or parchas. The posters can be put up in public places such as the local school, anganwadi, Panchayat Bhawan etc.
- Distributing or selling copies of this primer.
- Translating this primer in the local languages (there is no copyright!).

Copies of this Primer, and of other Primers in this series (in English and Hindi), are available from the Secretariat of the Right to Food Campaign – see back cover.



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